

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 930008-2208 (BOE0004US.NP)

Inventors: Klokkers et al.

Serial No.: 10/577,569

Filing Date: Not Yet Assigned

Examiner: Not Yet Assigned

Customer No.: 26259

Group Art Unit: Not Yet Assigned

Confirmation No.: Not Yet Assigned

Title: Pharmaceutical Active-
Ingredient-Containing Formulation
with Coating

Electronically Submitted via EFS-Web

Date: October 4, 2007

I hereby certify that this paper is being electronically submitted on the date indicated above to the Commissioner for Patents, U.S. Patent & Trademark Office

By Jane Massey Licata

Typed Name: Jane Massey Licata, Reg. No. 32,257

U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202-0327

Dear Sir:

RENEWED PETITION UNDER 37 CFR §1.47(a)

In response to the "Decision", a response to which is due January 7, 2008 (copy attached), applicants petition pursuant to 37 CFR §1.47(a) for the Office to accept the Declaration and Power of Attorney Form for the above-referenced application which has been

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signed by inventors Klokkers, Zellner and Dauer but not by inventor Rillmann.

As stated in the Petition filed with applicants Response to Notification of Missing Requirements on February 21, 2007, applicants' counsel accepted the representation and handling of this application on February 20, 2007 and were advised by Boeters & Lieck (the German representative), they were unable to obtain inventor Rillmann's signature on the Declaration and Power of Attorney form.

On February 23, 2007, a letter was sent to inventor Rillmann via Federal Express containing the Declaration and Power of Attorney form for signature. Confirmation of delivery was received from Federal Express on February 26, 2007.

Copies of applicants' Response to Notification of Missing Requirements filed February 21, 2007, the letter sent to inventor Rillmann via Federal Express containing the Declaration and Power of Attorney form for signature dated February 23, 2007 and letter from Boeters & Lieck confirming the last known address of inventor, Rillmann are provided.

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The Rillmann Declaration and Power of Attorney was not accepted by the USPTO pursuant to the Decision dated September 5, 2007. Another copy of the joint Declaration was furnished to Rillmann on October 2, 2007, which he refused to sign.

Inventor Rillmann prepared and executed his own Declaration (listing himself as an inventor) and executed the Declaration signed only by himself of July 5, 2007. A response to Missing Parts was filed on July 17, 2007 with this Declaration and a Declaration signed by the three co-inventors. The Rillmann Declaration and Power of Attorney was not accepted by the USPTO pursuant to the Decision dated September 5, 2007.

Inventor Rillmann continued to refuse to sign the joint Declaration and Power of Attorney. This is evidenced repeatedly throughout the correspondence sent to Rillmann directly to his last known address on February 23, 2007 and October 2, 2007 as well as through his counsel on May 23, 2007, November 20, 2007, December 13, 2007 and January 4, 2008.

Additionally, further refusal to sign the Declaration and Power of Attorney is evidenced by Rillmann in a Declaration and Power of Attorney he prepared and executed the instant application

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which listed him as a sole inventor. This Declaration and Power of Attorney was duly executed by Rillmann on July 5, 2007. Again, this Declaration and Power of Attorney was not accepted by the USPTO pursuant to the Decision dated September 5, 2007.

Therefore, Applicants submit with this response and petition, a Declaration of Hubert Leger, proof of the pertinent facts regarding their inability to find or reach non-signing inventor Rillmann and the requisite fees under 37 CFR §1.17(I) and 1.17(a)(3). The last known address of non-signing inventor Thomas Rillmann is Gustav-Ulricht-Str. 46, D-76753 Bellheim, Germany.

Applicants have met all of the requirements as set forth in 37 CFR 1.47(a) and respectfully request the Response to Notification of Missing Requirements filed on July 17, 2007 be entered and the filing date granted.

Respectfully submitted,

Jane Massey Licata
Jane Massey Licata
Registration No. 32,257

Date: January 4, 2008

LICATA & TYRRELL P.C.
66 E. Main Street
Marlton, New Jersey 08053

(856) 810-1515



07 NOV 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

FROMMER LAWRENCE
& HAUG LLP

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

2007 NOV 14 A 7:52

Ronald R. Santucci
Frommer Lawrence & Haug
745 Fifth Avenue
New York NY 10151

DOCKETED

Docket System ✓
Status Report ✓
Docket Book ✓

In re Application of	:	
KLOKKERS et al.	:	
Application No.: 10/577,569	:	
PCT No.: PCT/EP2004/012230	:	
Int. Filing Date: 28 October 2004	:	DECISION
Priority Date: 31 October 2003	:	
Attorney Docket No.: 930008-2208	:	
For: PHARMACEUTICAL ACTIVE-INGREDIENT- CONTAINING FORMULATION WITH COATING	:	

This decision is in response to the petition under 37 CFR 1.47(a) filed 04 October 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 28 October 2004, applicants filed international application PCT/EP2004/012230, which designated the United States and claimed a priority date of 31 October 2003. A copy of the international application was communicated from the International Bureau to the USPTO on 12 May 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 01 May 2006 (30 April 2006 being a Sunday).

On 27 April 2006, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and a translation of the application into English.

On 26 August 2005, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 21 February 2007, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration signed by all of the inventors except for Thomas Rillmann, a letter from a Dr. Forstmeier to Applicant's United States attorney, Ms. Massey Licata, dated 20 February 2007.

On 28 March 2006, a decision was mailed dismissing applicants' petition under 37 CFR

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1.47(a) without prejudice. The decision indicated, *inter alia*, that applicant had failed to provide factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort. The decision set a two-month extendable period for reply.

On 17 July 2007, applicants filed a submission which was accompanied by, *inter alia*, a declaration of inventors signed by Thomas Rillmann.

On 05 September 2007, a decision was mailed dismissing applicants' petition under 37 CFR 1.47(a) as moot since a 37 CFR 1.497 declaration had been executed by all the joint inventors. The decision also indicated that the declaration of inventors signed by Thomas Rillmann filed 17 July 2007 was not in compliance with 37 CFR 1.497(a)-(b) since it did not identify all of the inventors and that a new declaration signed by Thomas Rillmann in compliance with 37 CFR 1.497(a)-(b) was required.

On 04 October 2007, applicants submitted the instant petition under 37 CFR 1.47(a), which was accompanied by, *inter alia*, a declaration of facts by Hubert Leger.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Items (1), (3), and (4) have been met.

Item (2) has not been satisfied. MPEP § 409.03(d) states in part:

A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers.

The declaration of facts by Mr. Leger filed 04 October 2007 makes it clear that Mr. Rillmann understands exactly what he is being asked to sign. However, it has not been established that Mr. Rillmann refuses to sign. While Mr. Rillmann signed a declaration of inventors listing only himself as an inventor, it has not been established that he refuses to sign a declaration of inventors listing all of the inventors. The declaration of Mr. Leger states that a facsimile was sent to Mr. Rillmann's attorney on 02 October 2007 informing him of the problem with the declaration executed by Mr. Rillmann and requesting that Mr. Rillmann return an executed version of the original declaration before 04 October 2007. However, two days is not a sufficient amount of time for a reply. If no response is received from Mr. Rillmann's attorney, some sort of follow-up communication would be required. Additionally, the statement of facts is not

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sufficient because it must be made by someone having first-hand knowledge of the facts recited therein. MPEP § 409.03(d). Mr. Leger does not appear to have first-hand knowledge of all of the facts recited. For example, someone other than Mr. Leger sent the facsimile to Mr. Rillmann's attorney on 02 October 2007.

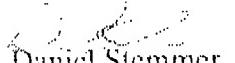
CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

For the above reasons, that portion of the decision mailed 05 September 2007 which dismissed applicants' petition under 37 CFR 1.47(a) as moot is hereby **VACATED**.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. **Failure to timely file the proper response will result in abandonment of this application.** Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.


Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

ATT^{ORNEY} DOCKET NUMBER

930008-2209 (BOE0004US.NP)

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/577,569

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

INTERNATIONAL APPLICATION NO.
PCT/EPO04/12230INTERNATIONAL FILING DATE
October 28, 2004PRIORITY DATE CLAIMED
October 31, 2003**TITLE OF INVENTION**

Pharmaceutical Active-Ingredient-Containing Formulation with Coating

APPLICANT(S) FOR DO/EO/US

Klokkers et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. The US has been elected (Article 31).
5. A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
 - a. is attached hereto (required only if not communicated by the International Bureau).
 - b. has been communicated by the International Bureau.
 - c. is not required, as the application was filed in the United States Receiving Office (RO/US).
6. An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. is attached hereto.
 - b. has been previously submitted under 35 U.S.C. 154(d)(4).
7. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. are attached hereto (required only if not communicated by the International Bureau).
 - b. have been communicated by the International Bureau.
 - c. have not been made; however, the time limit for making such amendments has NOT expired.
 - d. have not been made and will not be made.
8. An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. A copy of the International Search Report (PCT/ISA/210).

Items 13 to 23 below concern document(s) or information included:

13. An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. A **FIRST** preliminary amendment.
16. A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. A substitute specification.
18. A power of attorney and/or change of address letter.
19. A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. Express Mail Label No. EM 054665613US

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO (if known, see 37 CFR 1.5) 10/577,569	INTERNATIONAL APPLICATION NO. PCT/EPO04/12230	ATTORNEY'S DOCKET NUMBER 930008-2209 (BOE0004US.NP)
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23. Other items or information:

- 1) Copy of Notification of Missing Requirements; and
- 2) Petition Under 37 CFR 1.47(a);

The following fees have been submitted:				CALCULATIONS	PTO USE
24. <input type="checkbox"/> Basic national fee	\$300	\$	\$0.00		
25. <input type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article	\$0	\$	\$0.00		
All other situations.....	\$200				
26. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)... Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the as an International Searching Authority.....	\$0	\$	\$0.00		
International Search Report prepared by an ISA other than the US and provided to the previously communicated to the US by the IB.....	\$100				
All other situations.....	\$400				
TOTAL OF 24, 25 and 26 =	\$500	\$	\$0.00		
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)	RATE		
- 100 =	0 /50 =	0	x \$250.00	\$	\$0.00
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$	\$130.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =	0	x \$50.00	\$	\$0.00
Independent claims	- 3 =	0	x \$200.00	\$	\$0.00
MULTIPLE DEPENDENT CLAIMS (If applicable)				<input type="checkbox"/>	+ \$360.00
TOTAL OF ABOVE CALCULATIONS =				\$	\$130.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				\$	\$0.00
Petition fee				\$	\$130.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(l)).				\$	\$0.00
TOTAL NATIONAL FEE =				\$	\$130.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +				\$	\$0.00
TOTAL FEES ENCLOSED =				\$	\$260.00
				Amount to be	\$
				Amount to be	\$

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1619. A duplicate copy of this sheet is enclosed.
- d. Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Jane Massey Licata, Reg. No. 32,257

Kathleen A. Tyrrell, Reg. No. 38,350

Licata & Tyrrell P.C.

66 E. Main Street

Marlton, New Jersey 08053

Telephone: (856) 810-1515

Faxsimile: (856) 810-1454

(Signature)

SIGNATURE

Jane Massey Licata

NAME

32,257

REGISTRATION NUMBER

February 21, 2007

DATE



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAME(S) APPLICANT	ATTY. DOCKET NO.
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10/577,569

FRÜMMLER, LAWRENCE
& HAUG, LLP

Karin Klokkers

930008-2208

Ronald R. Santucci
 Frommer Lawrence & Haug
 745 Fifth Avenue
 New York, NY 10151

Docket System
 Status Report
 Docket Block

INTERNATIONAL APPLICATION NO.

PCT/EP04/12230

IA. FILING DATE	PRIORITY DATE
10/28/2004	10/31/2003

CONFIRMATION NO. 6210

371 FORMALITIES LETTER



OC000000021674468

DOCKETED

Date Mailed: 12/21/2006

2-21-07
7-21-07

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 04/27/2006
- English Translation of the IA filed on 04/27/2006
- Copy of the International Search Report filed on 04/27/2006
- Copy of IPE Report filed on 04/27/2006
- Preliminary Amendments filed on 04/27/2006
- Information Disclosure Statements filed on 04/27/2006
- Oath or Declaration filed on 04/27/2006
- U.S. Basic National Fees filed on 04/27/2006
- Priority Documents filed on 04/27/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- **\$130 Surcharge.**

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

CHARITTA A BURT

Telephone: (703) 308-9140 EXT 207

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/577,569	PCT/EP04/12230	930008-2208

FORM PCT/DO/EO/905 (371 Formalities Notice)

20.FEB.2007 12:19

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- 25 - NR. 8530 S. 2/5

FLH Docket No. 930008-2208

DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY

(Under 37 CFR § 1.63; includes reference to PCT International Applications)

As a below named inventor, I hereby declare that:

My residence, resident, mailing address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention ENTITLED:

PHARMACEUTICAL ACTIVE-INGREDIENT-CONTAINING FORMULATION WITH COATING

the specification of which:

- is attached hereto
 was filed on _____ as:
 United States Application Serial No. _____
 as a National Phase or Continuation or Continuation-in-Part or Divisional of
 PCT Application No. PCT/EP2004/012230, filed October 28, 2004
 and designating the U.S., and published as WO 2005/041934 A on May 12, 2005
 with amendments through _____ (if applicable, give details).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefit under Title 35, United States Code § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT International application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT International applications designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) on which priority is claimed:

Prior Foreign/PCT Application(s) [list additional applications on separate page]:

Country (or PCT)	Application Number:	Filed (Day/Month/Year)	Priority Claimed:	
			Yes	No
DE (Germany)	103 51 301.9	31/10/2003	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DE (Germany)	10 2004 014 828.7	24/03/2004	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States application listed below:

(Application Number)

(Filing Date)

I hereby claim the benefit under Title 35, United States Code § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

20. FEB. 2007 12:20

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NR. 853 S. 3/5

FLH Docket No. 930008-2208

Prior U.S. (or U.S.-designating PCT) Application(s) [list additional applications on separate page]:
U.S. Serial No.: Filed (Day/Month/Year) PCT Application No. Status (patented, pending, abandoned)

I hereby appoint Ronald R. Santucci, Registration No. 28,988, and Frommer Lawrence & Haug LLP, or their duly appointed associate, my attorneys, with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to file continuation and divisional applications thereof, to receive the Patent, and to transact all business in the Patent and Trademark Office and in the Courts in connection therewith, and to insert the Serial Number of the application in the space provided above, and specify that all communications about the application are to be directed to the following correspondence address:

Ronald R. Santucci, Esq.
c/o FROMMER LAWRENCE & HAUG LLP
745 Fifth Avenue
New York, NY 10151

Direct all telephone calls to: (212) 588-0800
to the attention of: Ronald R. Santucci

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

INVENTOR(S):

Signature: Karin Klokkers Date: Aug 18, 2006
Full name of sole or first inventor: Karin KLOKKERS
Residence: Feldkirchen-Westerham, Germany
Mailing Address: Eichenstr. 2a, D-83620, Feldkirchen-Westerham, Germany
Citizenship: German

Signature: Marion Zellner Date: 20. 09. 2006
Full name of 2nd joint inventor (if any): Marion ZELLNER
Residence: Egmating, Germany
Mailing Address: Binsberg 15, D-85658, Egmating, Germany
Citizenship: German

Signature: _____ Date: _____
Full name of 3rd joint inventor (if any): Thomas RILLMAN
Residence: Bellheim, Germany
Mailing Address: Gustav-Ulrich-Str. 46, D-76753, Bellheim, Germany
Citizenship: German

20/02 2007 13:00 FAX +4989232385929

PA Boeters&Lieck

20. FEB. 2007 12:20

8024 908 2198

004/005

NR. 853 S. 4/5

FLH Docket No. 930008-2208

X Signature: Andreas Dauer

Date: 04/03/06

Full name of 4th joint inventor (if any): Andreas DAUER

Mailing Address:

Julius-von-Nietzschner-Str. 16, D-83052 Heufeld, Germany

Residence:

Heufeld, Germany

Citizenship: German

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 930008-2208 (BOE0004US.NP)

Inventors: Klokkers et al.

Serial No.: 10/577,569

Filing Date: Not Yet Assigned

Examiner: Not Yet Assigned

Customer No.: 26259

Group Art Unit: Not Yet Assigned

Confirmation No.: 6210

Title: Pharmaceutical Active-
Ingredient-Containing Formulation
with Coating

"Express Mail" Label No. EM054665613US

Date of Deposit February 21, 2007

I hereby certify that this paper is being deposited with the
United States Postal Service "Express Mail Post Office
to Addressee" service under 37 CFR 1.10 on the date
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By Jane Massey Licata
Typed Name: Jane Massey Licata, Reg. No. 32,257

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Petition Under 37 CFR §1.47(a)

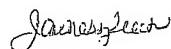
Applicants petition pursuant to 37 CFR §1.47(a) for the Office
to accept the Declaration and Power of Attorney Forms for the
above-referenced application which have been signed by inventors
Klokkers, Zellner and Dauer but not signed by inventor Rillman.

Attorney Docket No.: BOE0004US.NP
Inventors: Klokkers et al.
Serial No.: 10/577,569
Filing Date: Not Yet Assigned
Page 2

Applicants' counsel accepted the representation and handling of this application on February 20, 2007. As evidenced by the attached letter from Boeters & Lieck, inventor, Rillmann refuses to sign the Declaration and Power of Attorney form.

Therefore, Applicants are submitting with this petition, the requisite fees under 37 CFR §1.17(i) and 1.17(a)(3) and respectfully request that the attached duly executed Declaration and Power of Attorney forms signed by inventors, Klokkers, Zellner and Dauer be considered responsive to the Notification of Missing Requirements

Respectfully submitted,



Jane Massey Licata
Registration No. 32,257

Date: February 21, 2007

LICATA & TYRRELL P.C.
66 E. Main Street
Marlton, New Jersey 08053

(856) 810-1515

BOETERS & LIECK

- PATENTANWÄLTF
- EUROPEAN PATENT AND
- TRADEMARK ATTORNEYS

Dipl. Ing. R. Peter Lieck
Dipl. Chem. Dr. Hans D. Boeters
Dipl. Ing. R. Albert Bauer (-2003)
Dipl. Ing. T. Othman Pashian
Dipl. Chem. Dr. Dietmar G. Forstmeyer
Dipl. Ing. Roland Veith

Thomas, Br. zwiesgrundtechnik
TECHNOL./WV

Dr. med. C.
G. Müller - gen. GÖTTSCHE
Büro für Recht und Patent
Tel.: +49 89 397327659 0
Fax: +49 89 39732769 29

FACSIMILE: 001-856-810-1454
Licata & Tyrrell P.C.
Attn.: Ms Jane Massey Licata
66 E. Main Street
Marlton, New Jersey 08053
USA

February 20, 2007/St
via facsimile

URGENT

Your ref.: unknown
Our ref.: 16508
US Patent Application No. 10/577 569
Hexal AG

Dear Ms Massey Licata:

On February 12, 2007, Frommer Lawrence & Haug LLP transferred the above file to your firm. Tomorrow, February 21, 2007, is the deadline date for filing the response to missing requirements. Enclosed please find the following documents

- declaration
- assignment

signed by three inventors. The fourth inventor, Mr. Thomas Rillmann, refuses to sign said documents. Further, said declaration cites the Frommer et al. address as address for correspondence. Please advise whether this will be acceptable to the USPTO or let us have your suggestions how to handle the situation via return facsimile.

Thank you very much for your assistance.

Very truly yours,

(Dr. Forstmeyer)

Encls.
a/m

Licata & Tyrrell P.C.

Patent Attorneys

Translating Science into Invention®

66 E. Main Street

Marlton, New Jersey 08053

Telephone: (856) 810-1515
Facsimile: (856) 810-1454

Web Site: licataandtyrrell.com

Direct E-mail: jmlicata@licataandtyrrell.com

February 23, 2007

Via Federal Express

Dr. Thomas Rillmann
Gustav-Ulricht-Str. 46
D-76753 Bellheim, Germany

RE: U.S. National Stage Patent Application entitled
"Pharmaceutical Active-Ingredient-Containing Formulation
with Coating"
Serial No: 10/577,569 Filing Date:
Your Ref: 16508
Our Ref: BOE0004US.NP

Dear Dr. Rillmann:

Enclosed is connection with the above-referenced application
are the following documents for signature:

- * Declaration and Power of Attorney form to be signed and dated by you; and
- * Assignment to be signed and dated by you.

Please note that if a change is made to any of the information contained in the above-referenced documents, each change must be initialed and dated. Please return these documents to our office at your earliest convenience, on or by March 22, 2007.

You can return the executed documents via e-mail, facsimile, regular U.S. mail or in the return Federal Express envelope provided. If a change is made to any of the information contained in the documents, each change must be initialed and dated.

Licata & Tyrrell P.C.

February 23, 2007
Page 2

If you have any questions, please contact me.

Best regards,

Jane Massey Licata
Jane Massey Licata

JML:deb
Enclosure

cc: Dr. Dietmar Forstmeyer
Boeters & Lieck

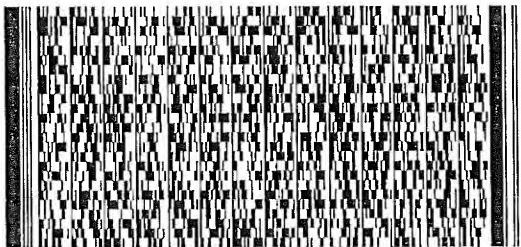
From: Origin ID: WWDA (856) 810-1515
Deborah Ehret
Licata & Tyrrell P.C.
66 East Main Street



Marlton, NJ 08053
UNITED STATES

SHIP TO: 4908923236590
Dr. Thomas Rillman
Gustav-Ulricht-Str. 4

Bellheim, 76753
DE



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CUSTOMS VALUE: USD
T/C: S 165654455 D/T: S 165654455
SIGN: Deborah Ehret
EIN/VAT:

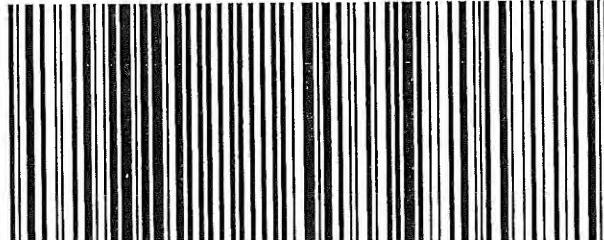
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Refer to the Convention to determine the claims period for your shipment. The right to damages against us shall be extinguished unless an action is brought within two years, as set forth in the Convention. FedEx is not obligated to act on any claim until all transportation charges have been paid. The claim amount may not be deducted from the transportation charges. If the recipient accepts the shipment without noting any damage on the delivery record, FedEx will assume the shipment was delivered in good condition. In order for us to consider a claim for damage, the contents, original shipping carton and packing must be made available to us for inspection. MANDATORY LAW. Insofar as any provision contained or referred to in this Air Waybill may be contrary to any applicable international treaties, laws, government regulations, orders or requirements such provisions shall remain in effect as a part of our agreement to the extent that it is not overridden. The invalidity or unenforceability of any provisions shall not affect any other part or this Air Waybill. Unless otherwise indicated, FEDERAL EXPRESS CORPORATION, 2005 Corporate Avenue, Memphis, TN 38132, USA, is the first carrier of this shipment. Email address located at www.fedex.com.

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Delivery date	Feb 26, 2007 11:00 AM	Service type	Priority Envelope	Tracking a FedEx Sh
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Date/Time	Activity	Location	Details
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	7:09 AM On FedEx vehicle for delivery	BRUCHSAL DE	
Feb 24, 2007	6:58 AM At local FedEx facility	BRUCHSAL DE	
	10:13 PM Int'l shipment release	FRANKFURT DE	
	10:08 PM Arrived at FedEx location	FRANKFURT DE	
	10:08 PM In transit	FRANKFURT DE	Package available for clearance
Feb 23, 2007	5:35 AM Departed FedEx location	MEMPHIS, TN	
	1:07 AM Departed FedEx location	MEMPHIS, TN	
	11:37 PM Arrived at FedEx location	MEMPHIS, TN	
	8:27 PM Left origin	MOUNT LAUREL, NJ	
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Dipl. Ing. H. Peter Lieck
Dipl. Chem. Dr. Hans D. Boeters
Dipl. Ing. Robert Bauer (2003)
Dipl. Ing. Dr. Othmar Paustian
Dipl. Chem. Dr. Diplmar G. Forstmeyer
Dipl. Ing. Roland Veith

Thomas Breitwieser Rechtsanwalt

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Fax +49 (0) 89 2121 659-29

FACSIMILE: 001-856-810-1454
Licata & Tyrrell P.C.
Attn.: Ms Jane Massey Licata
66 E. Main Street
Marlton, New Jersey 08053
USA

April 19, 2007/St
via facsimile

Your ref.: BOE004US.NP
Our ref.: 16508
US Patent Application No. 10/577 569
Hexal AG

Dear Jane:

This is with reference to your letter of April 4, 2007.

We confirm that Dr. Killmann's address is the latest known address and the correct one. Enclosed you will find a copy of a letter we sent him on March 12, 2007 whereupon he contacted Hexal AG and refused further cooperation.

We will try to let you have further information and evidence shortly.

Very truly yours,

Othmar Forstmeyer
(Dr. Forstmeyer)

Encls.
a/m

Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533)(Large Entity)

Docket No.
930008-2208 (BOE0004US.NP)

In Re Application Of: Klokkers et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/577,569	Not Assigned	Not Assigned	26259	Not Assigned	6210

Invention: Pharmaceutical Active-Ingredient-Containing Formulation with Coating

Mail Stop Missing Parts

COMMISSIONER FOR PATENTS:

This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on
December 21, 2006.
Date

Enclosed herewith for filing are the following:

- A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). (REQUIRED)
- An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.
- A properly signed oath or declaration in compliance with 37 CFR 1.63.
- An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.
- A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.
- Other (list):

Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533)(Large Entity)

Docket No.
930008-2208 (BOE0004US.NP)

In Re Application Of: Klokkers et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/577,569	Not Assigned	Not Assigned	26259	Not Assigned	6210

Invention: Pharmaceutical Active-Ingredient-Containing Formulation with Coating

TO THE COMMISSIONER FOR PATENTS:

Mail Stop Missing Parts

Completion of application fees as calculated below:

- Utility application basic fee _____
- Design application basic fee _____
- Search Fee _____
- Examination Fee _____
- Total number of independent claims = _____
- Total number of claims = _____
- Multiple dependent claims _____
- Surcharge for late payment of filing fee and/or late filing of original declaration or oath \$130.00
- Petition and fee for filing by other than all the inventors or a person not the inventor _____
- Fee for processing an application filed with a non-English language specification _____
- Fee for processing and retention of application _____

Total completion of application fees _____

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.

One month Two months Three months Four months Five months

from: February 22, 2007 Date _____ until: July 21, 2007 Date _____

Total time extension fees \$2,160.00

Total fees due \$2,290.00

Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533) (Large Entity)

Docket No.
930008-2208 (BOE0004US.NP)

In Re Application Of: Klokkers et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/577,569	Not Assigned	Not Assigned	26259	Not Assigned	6210

Invention: Pharmaceutical Active-Ingredient-Containing Formulation with Coating

TO THE COMMISSIONER FOR PATENTS:

Mail Stop Missing Parts

The fee of \$2,290.00 is to be paid as follows:

- A check in the amount of the fee is enclosed.
- The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No.
- If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 50-1619
- Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Jane Massey
Signature

Dated: July 17, 2007

Jane Massey Licata, Reg. No. 32,257
Kathleen A. Tyrrell, Reg. No. 38,350
Licata & Tyrrell P.C.
66 E. Main Street
Marlton, New Jersey 08053
Telephone: (856) 810-1515
Facsimile: (856) 810-1454

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

(Date)

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

CC:



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
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 Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	700 DEC 26 A 2 50	FIRST NAME & APPLICANT	ATTY. DOCKET NO.
-----------------------------	-------------------	------------------------	------------------

10/577,569

FRÖMMEL, LAWRENCE
& HAUG, LLP

Karin Klokkers

930008-2208

Ronald R. Santucci
 Frommer Lawrence & Haug
 745 Fifth Avenue
 New York, NY 10151

Docket System
 Status Report
 Docket Book

INTERNATIONAL APPLICATION NO.

PCT/EP04/12230

I.A. FILING DATE	PRIORITY DATE
10/28/2004	10/31/2003

CONFIRMATION NO. 6210

371 FORMALITIES LETTER



OC000000021674468

DOCKETED

Date Mailed: 12/21/2006

2-21-07
7-21-07

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 04/27/2006
- English Translation of the IA filed on 04/27/2006
- Copy of the International Search Report filed on 04/27/2006
- Copy of IPE Report filed on 04/27/2006
- Preliminary Amendments filed on 04/27/2006
- Information Disclosure Statements filed on 04/27/2006
- Oath or Declaration filed on 04/27/2006
- U.S. Basic National Fees filed on 04/27/2006
- Priority Documents filed on 04/27/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130 Surcharge.**

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

CHARITTA A BURT

Telephone: (703) 308-9140 EXT 207

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/577,569	PCT/EP04/12230	930008-2208

FORM PCT/DO/EO/905 (371 Formalities Notice)

DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY
(Under 37 CFR § 1.63; includes reference to PCT International Applications)

As a below named inventor, I hereby declare that:

My residence, resident, mailing address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention ENTITLED:

PHARMACEUTICAL ACTIVE-INGREDIENT-CONTAINING FORMULATION WITH COATING

the specification of which:

- is attached hereto
 was filed on _____ as:
 United States Application Serial No. _____
as a National Phase or Continuation or Continuation-in-Part or Divisional of
PCT Application No. PCT/EP2004/012230, filed October 28, 2004
and designating the U.S., and published as WO 2005/041934 A on May 12, 2005
 with amendments through _____ (if applicable, give details).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT International application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT International applications designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) on which priority is claimed:

Prior Foreign/PCT Application(s) [list additional applications on separate page]:

Country (or PCT)	Application Number:	Filed (Day/Month/Year)	Priority Claimed:
DE (Germany)	103 51 301.9	31/10/2003	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
DE (Germany)	10 2004 014 828.7	24/03/2004	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States application listed below:

(Application Number)

(Filing Date)

I hereby claim the benefit under Title 35, United States Code § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

20/02 2007 13:00 FAX +4989232365929
20. FEB. 2007 12:20

PA Boeters&Lieck

003/005

8024 908 2198

NR. 853 S. 3/5

FLH Docket No. 930008-2208

Prior U.S. (or U.S.-designating PCT) Application(s) [list additional applications on separate page]:
U.S. Serial No.: Filed (Day/Month/Year) PCT Application No. Status (patented, pending, abandoned)

I hereby appoint Ronald R. Santucci, Registration No. 28,988, and Frommer Lawrence & Haug LLP, or their duly appointed associate, my attorneys, with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to file continuation and divisional applications thereof, to receive the Patent, and to transact all business in the Patent and Trademark Office and in the Courts in connection therewith, and to insert the Serial Number of the application in the space provided above, and specify that all communications about the application are to be directed to the following correspondence address:

Ronald R. Santucci, Esq.
c/o FROMMER LAWRENCE & HAUG LLP
745 Fifth Avenue
New York, NY 10151

Direct all telephone calls to: (212) 588-0800
to the attention of: Ronald R. Santucci

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

INVENTOR(S):

Signature: Karin Klokkers Date: Aug 18, 2006
Full name of sole or first inventor: Karin KLOKKERS
Residence: - Feldkirchen-Westerham, Germany
Mailing Address: Eichenstr. 2a, D-83620, Feldkirchen-Westerham, Germany
Citizenship: German

Signature: Marion Zellner Date: 20. 09. 2006
Full name of 2nd joint inventor (if any): Marion ZELLNER
Residence: Egmatting, Germany
Mailing Address: Binsberg 15, D-85658, Egmatting, Germany
Citizenship: German

Signature: _____ Date: _____
Full name of 3rd joint inventor (if any): Thomas RILLMAN
Residence: Bellheim, Germany
Mailing Address: Gustav-Ullrich-Str. 46, D-76753, Bellheim, Germany
Citizenship: German

20/02 2007 13:00 FAX +4989232365928

PA Boeters&Lieck

20. FEB: 2007 12:20

8024 908 2198

004/005

NR. 853 S. 4/5

FLH Docket No. 930008-2208

X Signature: Andreas Dauer

Date: 04/03/06

Full name of 4th joint inventor (if any): Andreas DAUER

Mailing Address: Julius-von-Niethammer-Str. 16, D-83052 Heufeld, Germany

Residence: Heufeld, Germany

Citizenship: German

COMBINED DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY
(Includes Reference to PCT International Applications)

ATTORNEY DOCKET NUMBER
930008-2208

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

PHARMACEUTICAL ACTIVE-INGREDIENT-CONTAINING FORMULATION WITH COATING

The specification of which (check only one item below):

is attached hereto.

was filed as United States application

Serial No. _____

on _____

and was amended

on _____

(if applicable)

was filed as PCT international application

Number PCT/EP2004/012230

on Oct. 28, 2004

and was amended under PCT Article 19

on _____

(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known to me or other person(s) involved in the preparation or prosecution of this application to be material to the examination of this application and to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby authorize the U.S. attorney or agent named herein to accept and follow instructions from

as to any action taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorney or agent and the undersigned. In the event of a change in the persons from whom instructions may be taken, the U.S. attorney or agent named herein will be so notified by the undersigned.

I hereby claim benefits under Title 35, United States Code, §119 of any application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor(s) certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. 119

COUNTRY (If PCT, indicate "PCT")	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 USC 119		
Germany	103 51 301.9	31.Okttober 2003	x	YES	NO
Germany	102004014828.7	24.March 2004	x	YES	NO

Combined Declaration For Patent Application and Power of Attorney (Continued) (Includes Reference to PCT International Applications)		ATTORNEY DOCKET NUMBER		
<p>I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:</p>				
PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. BENEFIT UNDER 35 U.S.C. 120				
U.S. APPLICATION NUMBER PCT APPLICATION NUMBER		U.S. FILING DATE PCT FILING DATE		
U.S. APPLICATION NUMBER PCT APPLICATION NUMBER		PATENTED U.S. SERIAL NUMBER ASSIGNED (if any)		
U.S. APPLICATION NUMBER PCT APPLICATION NUMBER		PENDING ABANDONED		
PCT APPLICATIONS DESIGNATING THE U.S.				
POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (Name and registration number) Ronald R. Santucci, Reg. No. 28,988				
Send Correspondence to: Ronald R. Santucci, Esq. Te.: 212 588-0800 c/o FROMMER LAWRENCE & HAUGH LLP 745 Fifth Avenue, New York NY 10151				
2	FULL NAME OF INVENTOR	FAMILY NAME RILLMANN	GIVEN NAME Thomas	SECOND GIVEN NAME
0	RESIDENCE & CITIZENSHIP	CITY D-76753 Bellheim	STATE OR FOREIGN COUNTRY Germany	COUNTRY OF CITIZENSHIP Germany
1	POST OFFICE ADDRESS	POST OFFICE ADDRESS Gustav-Ullrich-Str.46	CITY D-76753 Bellheim	STATE & ZIP CODE/COUNTRY
2	FULL NAME OF INVENTOR	FAMILY NAME	GIVEN NAME	SECOND GIVEN NAME
0	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
2	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY
2	FULL NAME OF INVENTOR	FAMILY NAME	GIVEN NAME	SECOND GIVEN NAME
0	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
3	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY
I hereby declare under penalty of perjury under the laws of the United States of America that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.				
Signature of Inventor 201		Signature of Inventor 202		Signature of Inventor 203
X				
Date X 09.07.2007		Date		Date

I hereby declare under penalty of perjury under the laws of the United States of America that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 201

2

Signature of Inventor 202

Signatures of Inventor(s) 203

Date X 10/05/02

Date

1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: BOE0004US.NP
Inventors: Klokkers et al.
Serial No.: 10/577,569
Filing Date: Not Assigned
Examiner: Not Assigned
Customer No: 26259
Group Art Unit: Not Assigned
Confirmation No: 6210

Title: Pharmaceutical Active-Ingredient-
Containing Formulation with Coating
Electronically Submitted via EFS-Web
Date: October 4, 2007

I hereby certify that this paper is being electronically
submitted on the date indicated above to the
Commissioner for Patents, U.S. Patent &
Trademark Office

By Jane Massey Licata
Typed Name: Jane Massey Licata, Reg. No. 32,257

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Declaration of Hubert Leger

I, Hubert Leger, of Hexal AG, Industriestr e 25, 83607
Holzkirchen, Germany state the following:

1. I am the Head of Patents Sandoz Development Center at the Holzkirchen site of Hexal AG ("the Employer"). I have held this position since 1 January 2006. I am duly authorised to make this Statement on behalf of the Employer who has also acquired rights in US Patent

Attorney Docket No: BOE0004US.NP
Inventors: Klokkers et al.
Serial No.: 10/577,569
Filing Date: Not Assigned
Page 2

Application No. 01/577,569 (the "Application") by virtue of assignment. The information in this Affidavit is taken from the Employer's records, to which I have full access, and from my own personal knowledge.

2. This Affidavit is made in support of a Petition Under 37 CFR §1.47(a), to accept the Application without the signature of one of the co-inventors - Dr. Thomas Rillmann.
3. On 23 February 2007 a Federal Express package was sent to Dr. Rillmann at his last known address of: Gustav-Ullrich-Str. 46, 76753 Bellheim, Germany, enclosing, for signature, a copy of the Declaration for Patent Application, a Power of Attorney and an Assignment form. Receipt of this package was confirmed by the Receptionist/Front Desk on 26 February 2007 and this confirmation was returned to the US attorneys Licata & Tyrrell P.C. who are handling the prosecution of the Application, on our behalf, in the United States. Attached are copies of the letter, Federal Express label and confirmation of delivery.
4. Dr. Rillmann did not return any of these documents and in the absence of a response from him, I contacted him in early 2007 to suggest that we have a meeting to resolve the outstanding issues regarding the Application.
5. Dr. Rillmann agreed to attend a meeting at Hexal AG in Holzkirchen which took place on Friday 9th March 2007. The meeting was attended by myself, Dr. Rillmann, Dr.

Attorney Docket No: BOE0004US.NP
Inventors: Klokkers et al.
Serial No.: 10/577,569
Filing Date: Not Assigned
Page 3

Zeh-Herwerth and Dr. Karin Klokkers, one of the other inventors named on the Application

6. During the meeting Dr. Rillman indicated that he was unwilling to sign documents in relation to the Application.
7. On 25 April 2007 I received a letter from a firm of German Patent Attorneys acting for Dr. Rillman. In the letter, Dr. Rillman's attorneys indicated that Dr. Rillman would not sign the Declaration in its present form because of an on going issue regarding inventorship.
8. On 23 May 2007, at my direction, my colleague, Robin Ellis, sent a letter to Dr. Rillmann's attorneys, enclosing the Declaration and requesting that it be forwarded to their client (see Attached).
9. On 20 June 2007, at my direction, our assistant Frau Andrea Hunds dorfer spoke with Dr. Rillmann's patent attorney, Herr Dr. Steffen Lenz, who confirmed that the letter of 23 May 2007 had been forwarded to, and received by, Dr. Rillmann. Herr Dr. Lenz also informed Frau Hunds dorfer that we should expect to receive an executed Declaration by the end of the week commencing 25 June 2007.
10. At my instruction, a further reminder letter was sent by facsimile and email to Herr Dr. Lenz on 5 July 2007 but as of 11 July 2007, the Declaration had still not been received.

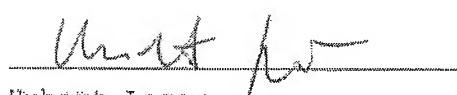
Attorney Docket No: BOE0004US.NP
Inventors: Klokkers et al.
Serial No.: 10/577,569
Filing Date: Not Assigned
Page 4

11. On 13 July 2007, I received an executed, amended, version of the Declaration from Herr Dr. Lenz which my colleague, Robin Ellis, forwarded to our US attorneys for filing at the USPTO. Before executing the Declaration, Dr. Rillmann removed the names of the other three inventors.
12. On July 17, 2007, a response to Missing Parts was filed with two Declarations: one signed by the other co-inventors and one prepared and signed by Dr. Rillmann.
13. On 5 September 2007, a decision was issued by the USPTO stating that the Declaration prepared and signed by Dr. Rillmann was "not in compliance with 37 CFR 1.497(a)-(b) since it does not identify all of the inventors". A deadline of 1 month from the mailing date of this decision was set to remedy this deficiency but due to the notice being sent to the incorrect US attorney, I only became aware of this decision on 1 October 2007.
14. On 2 October 2007, my colleague, Robin Ellis, sent a facsimile to Dr. Rillmann's attorney, informing him of the problem with the Declaration executed by Dr. Rillmann, and requesting that Dr. Rillmann returns an executed version of the original Declaration before 4 October 2007.
15. As of 4 October 2007, the executed Declaration had not been received from either Dr. Rillmann or his attorney.

Attorney Docket No.: BOE0004US.NP
Inventors: Klokkers et al.
Serial No.: 10/577,569
Filing Date: Not Assigned
Page 5

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,


Hubert Leger

Date: October 4, 2007

LICATA & TYRRELL P.C.
66 E. Main Street
Marlton, NJ 08053

(856) 810-1515

BOETERS & LIECK

- PATENTANWALT
- EUROPEAN PATENT ATTORNEY
- TRADEMARK ATTORNEY

Dipl. Ing. Dipl. Phys. Dipl. Chem. Dr. Phys. Dr. Phys.
Dipl. Ing. Patent-Examiner Dipl. Ing. Dr. Ottmar Rillmann
Dipl. Chem. Dr. Dietrich Rillmann
Dipl. Ing. Peter Forstmeyer

Normalerweise werden
Technologien

Herrn
Dr. Thomas Rillmann
Gustav-Ullricht-Str. 46
76753 Bellheim

12. März 2007/St

Unser Zeichen: 16503
Kanadische Patentanmeldung Nr. 2 543 689
auf Basis von DE 103 51 301.9, DE 10 2004 014 828.7
und PCT/EP 2004/012230
Klokkers et al.; Pharmaceutical active-ingredient-containing
formulation with coating

Sehr geehrter Herr Dr. Rillmann!

In obengenannter Patentanmeldung läuft am 26. April 2007 die
Frist zur Einreichung des Assignments beim Kanadischen
Patentamt ab. Bitte lassen Sie uns wissen, ob Sie in
obengenannter Patentanmeldung sowie in den parallelen Akten
der Patentfamilie gewillt sind, die nötigen Unterschriften zu
leisten. Bitte beachten Sie, daß die Anmeldungen ohne Ihre
Unterschrift möglicherweise als zurückgenommen gelten und
eventuell Schadenersatzforderungen auf Sie zukommen könnten.

Mit freundlichen Grüßen


(Dr. Forstmeyer)
Patentanwalt

* * * SENDEBERICHT (20. NOV. 2007 16:41) * * *

FAX HEADER: +49 6024 906 2190

RESENDEN/ABGESPEICHERT:	20. NOV. 2007 16:39	ADRESSE:		ERGEBN.	SEITE
DAT. MODUS:	OPTION				
598 RECHTIGER SENDEN		007219432840		OK	6/6

F 01 F 02 F 03 F 04 F 05 F 06 F 07
 E - 15 ORIENTIERUNGSEINSTELLUNG
 E - 15 MEINE ANTWORT

E - 23 RECHTIGE
 E - 43 KEINE FAX-VERBINDUNG



HEXAL AG

Vorab per Telefax: 07 21 / 9 43 28 40

1. ICHTI
 Patentanwälte
 z. Hd. Herrn Dipl.-Ing. Lenz
 Postfach 41 07 60
 D-76207 Karlsruhe

Anprechpartner: Robin Ellis
 Tel: +49 (0) 80 24 / 9 06 - 21 90
 Fax: +49 (0) 80 24 / 9 06 - 21 90
 e-mail: robin.ellis@sandoz.com

Holzkirchen, 20 November 2007

Your Ref: A3001.4 Lz/vt
 Hexal Ref: 50786-US-PCT
 US patent application no. 10/577 569
 based on PCT/EP 2004/012230
 "Pharmaceutical active-ingredient containing formulation with coating"

Dear Mr Lenz,

I write further to my letter of 2 October 2007 (attached), in which I informed you of the deficiencies reported by the USPTO in relation to the amended Declaration and Power of Attorney, executed by your client, Dr. Thomas Rillmann.

We have, fortunately, been set an extended deadline of 7 January 2007 to file and execute a version of the original Declaration, in which all four inventors are named, to ensure that US patent application no. 10/577 569 is not deemed abandoned.

If your client is not willing to sign this Declaration, please let us know well in advance of the 7 January 2007 deadline so we can communicate this information to the US attorneys handling this case.

Please communicate to your client that failure to file this Declaration is likely to result in the application being deemed abandoned. Please send confirmation of receipt of this letter.

Yours sincerely,

HEXAL AG

Robin Ellis
 Patent Attorney

* * * SENDERBERICHT (13. DEZ. 2007 14:59) * * *

FAX HEADER: +49 8024 900 2198

GESENDET/ABGESPEICHERT : 13. DEZ. 2007 14:58	DAT. MODUS	OPTION	ADRESSE	ERGEBN.	SEITE
682 SPEICHER SENDEN			007219432640	OK	1/1

L-1) FÜR ALLE
L-2) KEINERTRAGUNGSECHTER
L-3) KEINE ANTWORT

L-1) BESIEBT
L-2) KEINE FAX-VERKEHRUNGS



HEXAL AG

Vorab per Telefax; 07 21 / 9 43 28 40

LICHTI

Patentanwälte
z. Hd. Herrn Dipl.-Ing. Lenz
Postfach 41 07 60
D-76207 Karlsruhe

REMINDER

Ansprechpartner: Robin Ellis
Tel: +49 (0) 80 24 / 9 06 – 21 98
Fax: +49 (0) 80 24 / 9 06 – 21 98
e-mail: robin.ellis@sandow.com

Holzkirchen, 20 November 2007

Your Ref: A3001.4 Lz/vt

Hexal Ref: 50786-US-PCT

US patent application no. 10/577 569

based on PCT/EP 2004/012230

"Pharmaceutical active-ingredient containing formulation with coating"

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Please communicate to your client that failure to file this Declaration is likely to result in the application being deemed abandoned. Please send confirmation of receipt of this letter.

Yours sincerely,

HEXAL AG

Robin Ellis
Patent Attorney

* * * SENDEBERICHT (4. JAN. 2008 9:35) * * *

FAX HEADER: +49 0024 900 2193

GESENDET/ABGESPEICHERT : 4. JAN. 2008 9:35	DAT. MODUS	OPTION	ADRESSE	ERGEBN.	SEITE
700 SPEICHER SENDEN			007219432040	OK	1/1

EINER FÜRSTENLICHEN KURSHAUSEN
FÜR DIE RECHTSANWÄLTE
KEINE ANTWORT

E-23 DEUTSCHE FAX-VEREINIGUNG

HEXAL AGVorab per Telefax: 07 21 / 9 43 28 40

LICHTI
Patentanwälte
z. Hd. Herrn Dipl.-Ing. Lenz
Postfach 41 07 60
D-76207 Karlsruhe

REMINDER

Ansprachpartner: Robin Ellis
Tel: +49 (0) 80 24 / 9 08 - 21 06
Fax: +49 (0) 80 24 / 9 08 - 21 98
e-mail: robin.ellis@sndez.com

Holzkirchen, 20 November 2007
4 January 2008

Your Ref: A3001.4 Lz/vt
Hexal Ref: 50786-US-PCT
US patent application no. 10/577 569
based on PCT/EP 2004/012230
"Pharmaceutical active-ingredient containing formulation with coating"

Dear Mr Lenz,

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Please communicate to your client that failure to file this Declaration is likely to result in the application being deemed abandoned. Please send confirmation of receipt of this letter.

Yours sincerely,

HEXAL AG

Robin Ellis
Patent Attorney

* * * SENDEBERICHT (23. MAI. 2007 13:04) * * *

FAX HEADER: +49 8024 908 2198

GESENDET/ABGESPEICHERT : 23. MAI. 2007 12:50

DAT. MODUS OPTION

ADRESSE

ERGEBN.

SEITE

069 SPEICHER SENDEN

007219432840

OK

4/4

EINGANGSBERICHT
E=30 KEINE ANTWORT

E=23 SENDEZET KEINE FAX-VERBINDUNG



HEXAL AG

HEXAL AG - Postfach 1263 - 83602 Holzkirchen

Vorab per Telefax: 07 21 / 9 43 28 40

LICHTI

Patentanwälte

z. Hd. Herrn Dipl.-Ing. Lenz

Postfach 41 07 00

D-76207 Karlsruhe

Ansprachpartner: Andrea Hundsdoerfer
Tel: +49 (0) 80 24 / 9 08 - 15 03
Fax: +49 (0) 80 24 / 9 08 - 21 08
e-mail: andrea.hundsdoerfer@sandoz.com

Holzkirchen, 23. Mai 2007

Ihr Zeichen: A3001.4 Lz/vt
PCT/EP 2004/012230

„Pharmaceutical active-ingredient containing formulation with coating“
hier: Arbeitnehmererfinder Dr. Thomas Rillmann

Sehr geehrter Herr Dipl.-Ing. Steffen Lenz,

Wir beziehen uns auf Ihre Schreiben in o. g. Angelegenheit und nehmen zur Kenntnis, daß Sie Herrn Dr. Thomas Rillmann in dieser Angelegenheit vertreten.

In der Anlage erhalten Sie eine „Declaration for Patent application and Power of Attorney“ bezüglich der US-Anmeldung Nr. 10/577 569. Eine Kopie dieser Declaration wurde bereits per Federal Express am 23.02.2007 an Herrn Rillmann gesandt.

Bitte bestätigen Sie uns, daß Sie die „Declaration for Patent application and Power of Attorney“ erhalten und an Herrn Rillmann zur Unterschrift weitergeleitet haben.

Wir bitten um Rücksendung der von Herrn Rillmann unterzeichneten „Declaration“ an uns so bald wie möglich.

Mit freundlichen Grüßen

HEXAL AG

Robin Ellis

Patente SDC Holzkirchen

Andrea Hundsdoerfer
Assistentin Patentabteilung

HEXAL AG
Holzkirchnerstr. 23 83607 Holzkirchen
Telefon: +49 / (0) 8024 / 908-0
Telefax: +49 / (0) 8024 / 908-1260
e-mail: hexal@hexal.com
www.hexal.de

Kontakt:
Deutsche Bank München
Konto 17 88 320 (BLZ 700 700 10)
IBAN DE27700700100178832009 SWIFT DEUTDEMM

Vorstand:
Hubert Hirzinger
Jürgen Heine
Jürgen Mayr
Vorsitzender des Aufsichtsrates
Dr. Horst-Uwe Groß

BuZ:
Holzkirchen
Regierungsbezirk München
HRB 110379
Ust-Id-Nr. DE 131129111

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: BOE0004US.NP
Inventors: Klokkers et al.
Serial No.: 10/577,569
Filing Date: Not Assigned
Examiner: Not Assigned
Customer No: 26259
Group Art Unit: Not Assigned
Confirmation No: 6210
Title: Pharmaceutical Active-Ingredient-Containing Formulation with Coating

Electronically Submitted via EFS-Web

Date: January 4, 2008

I hereby certify that this paper is being electronically submitted on the date indicated above to the Commissioner for Patents, U.S. Patent & Trademark Office

By Jane Massey Licata
Typed Name: Jane Massey Licata, Reg. No. 32,257

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Declaration of Hubert Leger

I, Hubert Leger, of Hexal AG, Industriestr e 25, 83607 Holzkirchen, Germany state the following:

Attorney Docket No.: BOE0004US.NP
Inventors: Klokkers et al.
Serial No.: 10/577,569
Filing Date: Not Assigned
Page 2

1. I am the Head of Patents Sandoz Development Center at the Holzkirchen site of Hexal AG ("the Employer"). I have held this position since 1 January 2006. I am duly authorised to make this Statement on behalf of the Employer who has also acquired rights in US Patent Application No. 01/577,569 (the "Application") by virtue of assignment. The information in this Affidavit is taken from the Employer's records, to which I have full access, and from my own personal knowledge.
2. This Affidavit is made in support of a Petition Under 37 CFR §1.47(a), to accept the Application without the signature of one of the co-inventors - Dr. Thomas Rillmann.
3. On 23 February 2007 a Federal Express package was sent to Dr. Rillmann at his last known address of: Gustav-Ullrich-Str. 46, 76753 Bellheim, Germany, enclosing, for signature, a copy of the Declaration for Patent Application, a Power of Attorney and an Assignment form. Receipt of this package was confirmed by the Receptionist/Front Desk on 26 February 2007 and this confirmation was returned to the US attorneys Licata & Tyrrell P.C. who are handling the prosecution of the Application, on our behalf, in the United States. Attached are copies of the letter, Federal Express label and confirmation of delivery.
4. Dr. Rillmann did not return any of these documents and in the absence of a response from him, I contacted him in early

Attorney Docket No.: BOE0004US.NP
Inventors: Klokkers et al.
Serial No.: 10/577,569
Filing Date: Not Assigned
Page 3

2007 to suggest that we have a meeting to resolve the outstanding issues regarding the Application.

5. Dr. Rillmann agreed to attend a meeting at Hexal AG in Holzkirchen which took place on Friday 9th March 2007. The meeting was attended by myself, Dr. Rillmann, Dr. Zeh-Herwerth and Dr. Karin Klokkers, one of the other inventors named on the Application
6. During the meeting Dr. Rillman indicated that he was unwilling to sign documents in relation to the Application.
7. On 25 April 2007 I received a letter from a firm of German Patent Attorneys acting for Dr. Rillman. In the letter, Dr. Rillman's attorneys indicated that Dr. Rillman would not sign the Declaration in its present form because of an on going issue regarding inventorship.
8. On 23 May 2007, at my direction, my colleague, Robin Ellis, sent a letter to Dr. Rillmann's attorneys, enclosing the Declaration and requesting that it be forwarded to their client (see Attached).
9. On 20 June 2007, at my direction, our assistant Frau Andrea Hunds dorfer spoke with Dr. Rillmann's patent attorney, Herr Dr. Steffen Lenz, who confirmed that the letter of 23 May 2007 had been forwarded to, and received by, Dr. Rillmann. Herr Dr. Lenz also informed Frau Hunds dorfer that we should

Attorney Docket No.: BOE0004US.NP
Inventors: Klokkers et al.
Serial No.: 10/577,569
Filing Date: Not Assigned
Page 4

expect to receive an executed Declaration by the end of the week commencing 25 June 2007.

10. At my instruction, a further reminder letter was sent by facsimile and email to Herr Dr. Lenz on 5 July 2007 but as of 11 July 2007, the Declaration had still not been received.
11. On 13 July 2007, I received an executed, amended, version of the Declaration from Herr Dr. Lenz which my colleague, Robin Ellis, forwarded to our US attorneys for filing at the USPTO. Before executing the Declaration, Dr. Rillmann removed the names of the other three inventors.
12. On July 17, 2007, a response to Missing Parts was filed with two Declarations: one signed by the other co-inventors and one prepared and signed by Dr. Rillmann.
13. On 5 September 2007, a decision was issued by the USPTO stating that the Declaration prepared and signed by Dr. Rillmann was "not in compliance with 37 CFR 1.497(a)-(b) since it does not identify all of the inventors". A deadline of 1 month from the mailing date of this decision was set to remedy this deficiency but due to the notice being sent to the incorrect US attorney, I only became aware of this decision on 1 October 2007.

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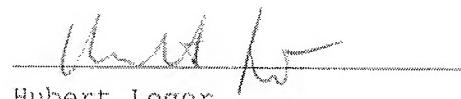
14. On 2 October 2007, my colleague, Robin Ellis, sent a facsimile to Dr. Rillmann's attorney, informing him of the problem with the Declaration executed by Dr. Rillmann, and requesting that Dr. Rillmann returns an executed version of the original Declaration before 4 October 2007.
15. Dr. Rillmann did not sign the Declaration by 4 October 2007 and has continued to refuse to sign to date.
16. On November 20 and December 13, 2007 and January 4, 2008, letters and reminders were sent to Dr. Rillmann's attorney requesting that Dr. Rillmann cooperate and execute the Declaration (see Attached). Neither Dr. Rilmann nor his attorney has responded to this request. Dr. Rillmann has failed to agree to sign the Declaration after repeated requests over the past year.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under

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Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,



Hubert Leger

Date: January 04, 2008

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